TOWN OF MIDDLEBURY
ORDINANCE REGULATING SPECIAL EVENTS

Section 1 - Authority
This civil ordinance ("Ordinance") is adopted by the Selectboard of the Town of Middlebury ("Town") Under the authority granted by 24 V.S.A. §§ 2291(11), (14), (15), and 24 V.S.A. Chapter 59.

Section 2 - Purpose
The purpose of this Ordinance is to protect, preserve and promote the health, safety, welfare, convenience, and peace and quiet for the citizens of Middlebury and ensure the Town's ability to provide municipal services to the public through the regulation of large-scale events. The Selectboard hereby declares that special events, as defined herein, constitute a public nuisance. These events adversely affect the public health, safety, welfare, convenience, and peace and quiet of the Town by contributing to increased criminal activity, litter, noise and light pollution, traffic congestion, roadway obstructions, and undue strains on emergency services.

Section 3 - Definitions
For the purpose of this Ordinance, the following words and/or phrases will be defined as follows:

"Enforcement officer" means any law enforcement officer certified by the Vermont Criminal Justice Training Council or any other person designated as an Enforcement Officer by the Selectboard.

"Person" means an individual, corporation, government, governmental subdivision or agency, business, trust, estate, trust, partnership or association, or other legal entity.

"Selectboard" means the Selectboard of the Town of Middlebury.

"Special Event" means a planned gathering of 20 or people on public property, outdoors or in temporary structures, to which people are invited or expected to attend, whether conducted or promoted for profit or for free, for purpose of entertainment, exhibition, or commercial activity. Such events include, but are not limited to, circuses; carnivals; menageries; fairs; plays; festivals; concerts; entertainments; or exhibitions of any kind, parades; commercial or charity, sponsored, or fundraising walks or races of any kind, excluding regattas, motorboat or other vessel races, marine parades, tournaments, water skiing events, exhibitions, or triathlons on any waters of this State and any associated public roads regulated by the State pursuant to 23 V.S.A. § 3316. This definition does not include spontaneous or organized public assemblies, rallies, protests, demonstrations, or other activities conducted on traditional public forums like streets, sidewalks, and public parks, primarily intended for the expression of political speech, regardless of the number of participants.

"Special events permit" means a written statement, issued by the Town Manager or designee, authorizing the holding of a special event under stated conditions as to time, place and manner.

"Town" means the Town of Middlebury, Vermont.

"Town Manager, or designee" means the Town Manager of the Town of Middlebury, or any Town employee authorized by the Town Manager to administer special event permits.

Section 4 - Permit Required
No special event shall be conducted in the Town unless a special event permit has been obtained from the Town Manager, or designee, in accordance with this ordinance. Events that are organized or sponsored by the Town are not required to obtain a special events permit.

Section 5 - Process

1. **Application**

Any person who intends to hold, organize, or promote a special event within the Town shall apply for a special event permit from the Town using the Special Events Application form provided by the Town Manager's Office. The application shall be in writing and shall be signed by the applicant or an individual authorized to act for the applicant. A fee of $25 shall be paid at the time the application is submitted or else the application will be considered incomplete. An application will not be considered complete and therefore eligible for consideration by the Selectboard unless the application fee is paid in full. A complete application must be submitted to the Selectboard at least 15 business days before the date of the event. The Town Manager, or designee, may modify this time requirement when a delay in submittal of a completed application was the result of Town inaction.

2. **Consideration**

Prior to any decision by the Town Manager, or designee, the Town Manager or designee shall cause the application to be reviewed by Town departments including, but not limited to, police, fire, rescue, and public works.

3. **Decision**

A written decision shall be issued within 10 of business days from a complete application being submitted to the Town Manager's Office.

4. **Unusual Circumstances**

Size of Event. Commercial Public Assemblies are regulated by the State of Vermont and necessitate a Special Assembly Permit from the State. for any Commercial Public Assembly. In such a case, the provisions of this Ordinance will not apply.

Harm to public health, safety, or welfare. If the Town Manager determines that there is a reasonable likelihood that an assembly will substantially harm the public health, safety, or welfare, and this cannot be avoided by the imposition of conditions, the Town Manager may apply to the Addison Superior Court for an order enjoining the special event from taking place.

Section 6 - Contents of Application

A complete application for a special events permit must contain the required $25 fee and the form provided by the Town which includes the following details:

1. The name, address, email, and telephone number of the applicant, the principal officers of the applicant, and any other individual authorized to represent the applicant, group, or entity applying for the permit;
2. The name/designation of the event;
3. The physical street address of the location where the event is to be held;
4. If the applicant is not the owner of the premises where the event is to take place, the name and contact information of the owner or other person consenting, in writing, to the use of the premises for the event;
5. The intended date(s) and hours of operation that the event will be conducted;
6. The maximum estimated total number of people anticipated to participate or attend the assembly, including staff, volunteers, security, vendors, attendees, etc., and provisions for accommodating maximum estimated total;
7. A schedule and summary of all promotional activity in which the applicant intends to have occur at event;
8. A visual description of the premises indicating location, layout, nearby roadways, entrances/exits, traffic flow, parking;
9. Details as to what arrangements would be made to protect the public health, safety, welfare and convenience during the event including, but not limited to, arrangements for traffic control, crowd control, and waste and sanitation facilities;
10. Provisions for food and beverage, if any;
11. Any additional information the applicant wishes to furnish that assists the Town Manager, or designee,

in determining that the event will comply with the applicable standards;
12. The signature of the applicant or an individual authorized to act for the applicant; and
13. Certificate of Liability Insurance, with minimum _____ in coverage, that names the Town of Middlebury as an additional insured.

Section 7 - Approval Standards

To issue a permit under this Ordinance, the Town Manager, or designee, must determine that the proposed event:

1. Will be held on premises that are available at the requested time.
2. Will not result in undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks and other public rights-of-ways.
3. Will not present or create a threat to the safety of persons or property because of fire, explosion, or other hazard.
4. The proposed event will not create unhealthy conditions regarding water supply, sewage disposal, or solid waste disposal. Proposed events with anticipated attendance to exceed 50 individuals must provide or make available one toilet or portable toilet per 50 of individuals
5. Will not interfere with the use of neighboring properties for their customary use by the creation of noise, dust, noxious odors, lighting, or other activities which extend beyond the boundary of the event.
6. Will not overburden the public infrastructure of the Town. Special attention may be given to the cumulative impacts of this special event with other activities which may be occurring at the same time.
7. The proposed event or applicant does not have a history of non-compliance with permit conditions, disturbing the peace or other impacts to the public health safety or welfare of the inhabitants of the town.
8. Is not anticipated to have an adverse effect on public health, safety, welfare and convenience of the inhabitants of the town.

Section 8 - Approval Conditions

When issuing a permit under this article, the Town Manager, or designee, may require the posting of a security bond or the establishment of an escrow account to ensure compliance with applicable ordinances and permit conditions. In addition, the Town Manager, or designee, may attach any such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the approval standards set forth above. Such conditions may include but are not limited to:

1. Establishing specific hours for the proposed event;
2. Establishing noise limits;
3. Requiring the provision of traffic control personnel at no cost to the Town;
4. Requiring the provision of crowd control and medical personnel at no cost to the Town;
5. Requiring the provision of firefighting equipment and personnel at no cost to the Town;
6. Requiring that trash and litter on public streets attributable to the proposed event be collected and removed at no cost to the Town;
7. Restricting or prohibiting the consumption of alcoholic beverages in connection with event;
8. Prohibiting the sale of admission or seating tickets in excess of the established capacity of the event area;
9. Requiring public sanitation, water, and emergency medical facilities as necessary at no cost to the Town;
10. Ensuring the time, place, and duration of the event is suitable in view of the number of persons expected to attend;
11. The event will not substantially impair the provision of fire and police protection and medical and other essential public services; and/or
12. The person holding the special event furnishes a certificate of liability insurance at an amount determined by the Town Manager's Office and such certificate is in place at least 15 days prior to the assembly.

Section 9 - Appeals
A decision of the Legislative Body may be reviewable by the Vermont Superior Court pursuant to Rule 75 of the VT Rules of Civil Procedure.

Section 10 - Enforcement
Failure to obtain a permit as required by this Ordinance, failure to abide by the terms and/or conditions of a special event permit, or misrepresentation of any information contained within or in support of a special event permit application will constitute a violation of this Ordinance.

1. A violation of this Ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Addison Superior Court, at the election of the Town Manager.
2. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any enforcement officer shall have the authority to issue tickets and represent the Town at any hearing.
3. Violations enforced in the Superior Court will be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate relief.

Section 11 - Penalties & Cost
1. The enforcement officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

First offense:	warning or [$100] full penalty / [$50] waiver penalty
Second offense:	[$200] full penalty / [$100] waiver penalty
Third offense:	[$400] full penalty / [$200] waiver penalty
Subsequent offense(s):	[$800] full penalty / [$400] waiver penalty

2. The enforcement officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and voluntarily pays the waiver fee.

3. Determining the sequence of offenses for violations of this Ordinance will be as follows: a subsequent violation that is identical to, and that occurs within 6 months of a previous violation, will be considered a higher offense (i.e. second, third, or subsequent offense). Any subsequent identical violation that occurs after 6 months of a previous identical violation will be considered a new, first offense.

4. A warning will not be counted towards the calculation of the number of offenses under this Ordinance.

5. In addition to the penalties available for enforcement of a violation(s), a permit may be immediately revoked if the:
   a. Application for a public assembly permit contains any false or materially misleading information; or
   b. Permittee fails to comply with any conditions/modifications set forth in their public assembly permit; or
   c. Permittee violates any provision of this Ordinance.

Section 12 - Other Laws
This Ordinance is in addition to all other Ordinances of the Town and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, policies, or other documents inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 13 - Severability
If any section of this ordinance is held by a court of competent jurisdiction to be invalid such finding shall not invalidate any other part of this ordinance. If any statute referred to in this Ordinance is amended, this Ordinance will be deemed to refer to such amended statute.

Section 14 - Effective Date
This Ordinance shall become effective 60 days after adoption by the Selectboard unless a petition is filed under 24 V.S.A. §1973, in which case that statute shall govern the effective date of this ordinance.

Adopted this _____ day of _____, 2026.

_____
_____
_____
_____
_____

Adoption History

1. Agenda item at Selectboard meeting held on _____.
2. Read and approved at Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. List other actions [petitions, etc.]_____.

APPENDIX A

TOWN OF MIDDLEBURY, VERMONT
SPECIAL EVENTS APPLICATION FORM

Name(s) of Applicant(s): _____

Address, email, and telephone number of Applicant(s):
_____

If Applicant(s) is an organization or corporate entity, list the principal officers of Applicant and any other individual authorized to represent the applicant group or entity applying for the permit:
_____
_____
_____

If Applicant is an organization or corporate entity, list the name address, email and telephone number of individual making the application:
_____
_____

Name / designation of event:
_____

The physical street address of the location where the event is to be held:
_____

If the applicant is not the owner of the premises where the event is to take place, list the name and contact information of the owner or other person that has the authority to consent to the use of the premises along with a signed statement from that person granting their consent to the applicant to hold the event on their premises:
_____
_____

The intended date(s) and hours of operation that the event will be conducted:
_____

The maximum estimated total number of people anticipated to participate in or attend the event including staff, volunteers, attendees, etc., and provisions for accommodating the total:
_____
_____
_____
_____
_____

Provide a description of the event including a schedule and attach copies of all promotional activity the applicant has engaged in or intends to engage in:
_____
_____
_____
_____

_____

Attach a visual depiction of the premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

_____
_____

Describe the arrangements that have been made to protect the public health, safety, welfare, and convenience during the event including, but not limited to, arrangements for traffic control, crowd control, waste and sanitation facilities:

_____
_____
_____
_____

List the provisions for food and beverage, if any:

_____
_____

Certification from the Town's Zoning Administrator that use of the property for a special event conforms with the Town's land use regulations.

_____

List of adjoining property owners to whom notice of the Commercial Event Application has been provided.

_____
_____
_____
_____

Provide any additional information that may assist the Town in determining whether the event will comply with the applicable standards set forth in the Ordinance:

_____
_____
_____
_____

Required Certificate of Liability Insurance (Note: VLCT-PACIF provides an established program through which those seeking an assemblage permit can acquire liability insurance, through the TULIP (Tenant User Liability Insurance Policy) program).

Signature of the applicant or an individual authorized to act for the applicant:

_____
(Signature)

_____
(Date)